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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/748,619	12/27/2003	Vladimir S. Moxson		7498
	7590 06/16/200 ATERIALS PRODUC	EXAMINER		
1890 GEORGE	TOWN ROAD	ZHU, WEIPING		
HUDSON, OH 44236		ART UNIT	PAPER NUMBER	
			1793	
			MAIL DATE	DELIVERY MODE
			06/16/2008	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

## Advisory Action Before the Filing of an Appeal Brief

Application No.	Applicant(s)		
10/748,619	MOXSON ET AL.		
Examiner	Art Unit		
WEIPING ZHU	1793		

2.			WEIPING ZHU	1	793	
1. ☑ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must intelly file one of the following replies: (1) an amendment, affadix, or other avidance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following replication in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:  a) ☐ The period for reply expires on: (1) the mailing date of the final rejection.  Examiner Note: It box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS for The FinAlk REJECTION. See WFEP 706.07(1).  Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee nuries 37 CFR 1.176(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action. (2) as many roduce any example and state of the shortened statutory period for reply originally set in the final Office action. (2) as many roduce any example period or explored the shortened statutory period for reply originally set in the final Office action. (2) as many roduce any example period or explored the shortened statutory period for reply originally set in the final Office action. (2) as many roduce any example and the shortened statutory period for reply originally set in the final Office action. (2) as many roduce any example or 4 final rejection date of the shortened statutory period for reply originally set in the final Office action. (3) as a final rejection of the shortened statutory period for reply originally set in the final Office action. (3) as a final replection original fin	The MAILING DATE of this	communication appea	ars on the cover sheet	t with the cor	respondence add	ress
1. ☑ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandomment of this application, applicant must intely file one of the following replies: (1) an amendment, affidative, or other evidence (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31: or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:  a ☐ The period for reply expiresmonths from the mailing date of the final rejection.  b) ☑ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection.  Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FIRM REJECTION. See MPEP 708.07(1).  Extensions of time may be obtained under 37 CFR 1.138(a). The date on which the petition under 37 CFR 1.138(a) and the appropriate extension fee number 50 CFR 1.178(a) is calculated from: (1) the expiration date of the shortered statutory period for reply originally set in the final Office action; (2) as many roduce any exomed patent term adjustment. See 37 CFR 1.74(b).  NOTICE OF APPEAL 2.  ☐ The Notice of Appeal was flied on A brief in compliance with 37 CFR 41.37 (m), to avoid dismissal of the date of Notice of Appeal was been filled, any reply must be filled within the time period set forth in 37 CFR 41.37(a).  AMENDMENTS  □ The Notice of Appeal was fleed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or (3) The variate is last that our drawpline further consideration and/or search (see NOTE below); (b) ☐ They raise the issue of new mater (see NOTE below); (c) ☐ They are not deemed t	THE REPLY FILED 07 May 2008 FAILS	TO PLACE THIS APPL	ICATION IN CONDITIO	ON FOR ALLO	OWANCE.	
The period for reply expiresmonths from the mailing date of the final rejection.	<ol> <li>The reply was filed after a final rejection, applicant must timely file application in condition for allowance for Continued Examination (RCE) in</li> </ol>	ction, but prior to or on t e one of the following ree; (2) a Notice of Appe	the same day as filing a eplies: (1) an amendme al (with appeal fee) in c	a Notice of Appent, affidavit, compliance wit	peal. To avoid abar or other evidence, w h 37 CFR 41.31; or	hich places the (3) a Request
have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).  NOTICE OF APPEAL 2. The Notice of Appeal was filed on A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).  AMENDMENTS 3. The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because (a) They raise new issues that would require further consideration and/or search (see NOTE below); (b) They raise the issue of new matter (see NOTE below); (c) They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or (d) They present additional claims without canceling a corresponding number of finally rejected claims.  NOTE: (See 37 CFR 1.116 and 41.33(a)).  Applicant's reply has overcome the following rejection(s):	a) The period for reply expires b) The period for reply expires on: (1) no event, however, will the statutor Examiner Note: If box 1 is checked	the mailing date of this Ad y period for reply expire la , check either box (a) or (b	lvisory Action, or (2) the dater than SIX MONTHS from b). ONLY CHECK BOX (b)	m the mailing da	ate of the final rejectio	n.
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(a)	filing the Notice of Appeal (37 CFR	41.37(a)), or any exten	sion thereof (37 CFR 4	1.37(e)), to av	oid dismissal of the	
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non-allowable claim(s).  7. For purposes of appeal, the proposed amendment(s): a)  will not be entered, or b) will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.  The status of the claim(s) is (or will be) as follows:  Claim(s) allowed:  Claim(s) objected to:  Claim(s) rejected:  Claim(s) withdrawn from consideration:  Claim(s) withdrawn from consideration:  Claim(s) withdrawn from consideration:  AFFIDAVIT OR OTHER EVIDENCE  8. The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).  9. The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).  10. The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.  REQUEST FOR RECONSIDERATION/OTHER  11. The request for reconsideration has been considered but does NOT place the application in condition for allowance because: of the reasons as stated in the final rejection.  12. Note the attached Information Disclosure Statement(s). (PTO/SB/08) Paper No(s).  (Weiping Zhu/	5. Applicant's reply has overcome the	e following rejection(s):	·			
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entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).  10. The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.  REQUEST FOR RECONSIDERATION/OTHER  11. The request for reconsideration has been considered but does NOT place the application in condition for allowance because:  of the reasons as stated in the final rejection.  12. Note the attached Information Disclosure Statement(s). (PTO/SB/08) Paper No(s).  Other: See Continuation Sheet.  //Roy King/  //Weiping Zhu/	because applicant failed to provide	a showing of good and				
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7,7,5,p.n.g = 1.6,7	of the reasons as stated in the fina	al rejection .				
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Continuation of 13. Other: The applicants have protested in the amendment filed on May 7, 2008 the restriction requirement, which was made final in the final rejection dated March 28, 2008. The applicants is advised herein to file a petition directly to the Office of the TC 1700 director of the USPTO in order to revert the restriction requirement. The examiner has responded properly to applicant's arguments in the applicant's amendment filed on May 7, 2008 in the "Response to Arguments" section of the final rejection dated March 28, 2008.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Weiping Zhu whose telephone number is 571-272-6725. The examiner can normally be reached on 8:30-16:30 Monday to Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Roy King can be reached on 571-272-1244. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.